

9 FAM 41.113

PROCEDURAL NOTES

*(CT:VISA-2230; 12-03-2014)
(Office of Origin: CA/VO/L/R)*

9 FAM 41.113 PN1 INFORMATION ABOUT THE MACHINE READABLE VISA (MRV)

(CT:VISA-1745; 10-19-2011)

The information on the MRV is printed on an adhesive foil and consists of five sections that:

- (1) Reflect the applicant's biographic data;
- (2) Contain information about the visa itself (visa type, number of entries, date of issuance, and date of expiration);
- (3) Show the 88-character field used for annotating additional information about the recipient, when necessary; (e.g., annotation of a petition number, SEVIS number, etc.);
- (4) Display a digitized photo of the visa recipient; and
- (5) Contain a machine-readable zone (MRZ) consisting of two lines of highly sensitive coded data. Scanners connected to authorized computer networks can read the data located in the MRZ and instantly recall records associated with the MRV. Damage to either line may prevent the scanner from reading the data, requiring manual data-entry before processing, which could lead to delays at ports of entry. You should instruct MRV recipients to take care with their MRVs, avoiding folding the foil, and preventing contact between the foil and objects that could damage it, such as paper clips, staples, etc.

9 FAM 41.113 PN1.1 Separate Machine Readable Visa (MRV) for Each Applicant

(CT:VISA-1745; 10-19-2011)

You must issue a separate MRV to each qualified applicant, even when the same passport includes multiple applicants. Therefore, a passport must contain at least one unmarked page for each visa issued. When possible, the page opposite the visa-ed page should also remain unmarked. This will provide space for the Customs and Border Protection (CBP) officer at the POE to annotate and/or stamp

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the applicant's passport at the time CBP admits the applicant into the United States.

9 FAM 41.113 PN1.2 Photograph Requirements for the Machine Readable Visa (MRV)

(CT:VISA-2115; 05-22-2014)

- a. Visa applicants must provide with their NIV applications un-mounted, full-face photographs of themselves and derivative applicants, taken within the past six months. A "full face" photo is one in which the applicant faces the camera directly. The applicant should be looking straight at the camera, and the face should cover about 50 percent of the area of the photo. Although variations in hair styles and in head coverings make it difficult to rigorously define the term "face," in general, the photograph should display the head of the applicant, including both face and hair, from the crown of the head to the tip of the chin on top and bottom, and from hair line side-to-side. The key requirement is that the photograph clearly identifies the applicant.
- b. NIV applicants are permitted to submit photographs with their applications either electronically by uploading them into a Form DS-160 NIV Application, or by submitting a hard-copy photograph. The hard-copy photograph should measure 2 inches square (roughly 50 mm square) with the head centered in the frame. The head (measured from the top of the hair to the bottom of the chin) should measure between 1 to 1 3/8 inches (25 mm to 35 mm) with the eye level between 1 1/8 inch to 1 3/8 inches (28 mm and 35 mm) from the bottom of the photo. Photos should be in color and must be taken against a white or off-white background. You should not accept photos taken in front of busy, patterned, or dark backgrounds.
- c. On occasion, you will encounter visa applicants whose appearance varies slightly from that of the photographs they submit with their NIV applications. In many instances, the Visa Office attributes these variances to recent advances in digital photography software programmed to flatter the subject of the photograph. You may use the photograph if it otherwise appears to be of the applicant (per 9 FAM 41.113 PN1.2 paragraph a, above). The color variance is not a significant issue because current facial recognition (FR) technology does not employ color. Rather, it converts color pictures to black and white before matching. Uniform contrast or brightening enhancement will not significantly impede FR unless it is exaggerated to the point of saturation.

9 FAM 41.113 PN1.2-1 Head and Face Coverings

(CT:VISA-1622; 01-31-2011)

See 22 CFR 41.105.

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9 FAM 41.113 PN1.2-2 Individual Photo Required

(CT:VISA-1622; 01-31-2011)

See 22 CFR 41.105.

9 FAM 41.113 PN1.3 Entering Information in the Machine Readable Visa (MRV) Data Field

(CT:VISA-2086; 04-28-2014)

- a. You must ensure entry of the following information in the MRV data field before you may issue a visa:
 - (1) Full name of applicant;
 - (2) Visa type;
 - (3) Visa class;
 - (4) Passport information, including passport number, passport issuance date, passport issuance city, passport country, and passport expiration date;
 - (5) Sex;
 - (6) Date of birth;
 - (7) Nationality;
 - (8) Number of entries allowed;
 - (9) Date of visa issuance;
 - (10) Date of expiration;
 - (11) Applicant's local address and telephone information; and
 - (12) SEVIS ID for all F, M, and J visa applicants.

Absent any of this information, the system will not accept the visa application. Prior to entering this information in the system, the personal data on Form DS-160, Online Nonimmigrant Visa Application, should be checked against the personal data page in the passport to ensure accuracy.

- b. The name of the visa issuing post and the control number are automatically printed on the MRV.
- c. The data fields do not accept special characters: comma, hyphen, asterisk, foreign-language diacritical marks, etc.
- d. In certain countries where many nationals have only a surname, the applicant's first name should be entered as FNU. For example, "Smith, FNU", the "FNU" stands for "First Name Unknown."

9 FAM 41.113 PN1.4 Entering Information in the

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Machine Readable Visa (MRV) Annotation Field

(CT:VISA-1745; 10-19-2011)

You must place annotations on MRVs in the 88-character field beneath the word "Annotation." You may use abbreviations as necessary in the annotation field. (For example: P.A. vice Principal Applicant). Unlike the data field, you may employ various forms of punctuation (hyphen, period, etc.) in the annotation field, when appropriate.

9 FAM 41.113 PN1.5 Use of Titles

(CT:VISA-1745; 10-19-2011)

You may not enter titles such as "Dr.", "Sr.", "Mr.", "Mrs.", etc. in the data field on an MRV. However, you may use such titles in the annotation field, as appropriate.

9 FAM 41.113 PN1.6 Altering Data on a Machine Readable Visa (MRV)

(CT:VISA-1745; 10-19-2011)

You may not enter handwritten annotations or alterations on an MRV. In the event of a data-entry error, you must re-enter information electronically in order to reissue the visa.

9 FAM 41.113 PN2 PLACEMENT OF A MACHINE READABLE VISA (MRV) IN A PASSPORT**9 FAM 41.113 PN2.1 Placement of a Machine Readable Visa (MRV) in a Passport**

(CT:VISA-1745; 10-19-2011)

You must place an MRV as close as possible to the bottom and left sides of the passport page to optimize MRV reader performance.

9 FAM 41.113 PN2.2 Placing a Machine Readable Visa (MRV) on Form DS-232, Unrecognized Passport or Waiver Cases

(CT:VISA-1745; 10-19-2011)

- a. You must place the MRV on Form DS-232, Unrecognized Passport or Waiver Cases, in those instances in which the applicant does not possess and cannot readily obtain a valid passport.

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- b. The bottom part of the MRV should be placed as close as possible to the lower right corner on the Form DS-232, Unrecognized Passport or Waiver Cases. (See 9 FAM 41.113 Exhibit II.) Placing the MRV at this location will help optimize MRV reader performance. You should carefully fold the Form DS-232 before you insert it into a passport, in order to prevent the MRV itself from being creased or folded.
- c. Since the MRV contains a photograph of the visa recipient, you do not have to place an additional photo of the applicant on Form DS-232.

9 FAM 41.113 PN3 SCANNING THE MACHINE READABLE VISA (MRV)

(CT:VISA-1745; 10-19-2011)

- a. After the MRV has been placed in the travel document, you should perform quality assurance (QA) on the visa to ensure that the coded data are error-free. You should take the following steps in scanning an MRV:
 - (1) You should place the visa-ed page face down on the left side of the QA reader with the coded data lined up against the border guide;
 - (2) You should then pass only the page containing the visa through the reader; and
 - (3) You should then swipe the passport manually toward the reader's opening, from left to right.
- b. The QA reader will feed the passport through the reader while you hold the passport. If the coded data are error-free, the reader will display a green light. If a red light appears, this indicates an error in the visa that you must correct before returning the passport to its owner.

9 FAM 41.113 PN3.1 Care and Maintenance of Quality Assurance Readers

(CT:VISA-1745; 10-19-2011)

The QA reader (scanner) is a delicate and expensive part of the MRV equipment. CA/VO urges posts to follow carefully all cleaning and maintenance instructions furnished with the reader.

9 FAM 41.113 PN3.2 MRV Printer Maintenance

(CT:VISA-1745; 10-19-2011)

Regular care and the cleaning and maintenance of the MRV printers are crucial to their proper functioning, particularly keeping the paper path, trays, and printer area workspace clean of adhesive, dust, and debris. You should perform such

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cleaning on a daily basis if your post issues more than 30 visas a day. Weekly cleaning is adequate for posts with a lower volume of issuances. Proper cleaning of the printers, including the feed rollers and internal paper path is the responsibility of each individual post, either through in-house servicing or post-funded outside servicing.

9 FAM 41.113 PN4 CARE AND STORAGE OF MACHINE READABLE VISA (MRV) FOILS

(CT:VISA-1745; 10-19-2011)

The Accountable Consular Officer (ACO) at post should inspect new MRV foils for defects immediately upon their receipt. You should store foils in a secured area with normal temperature and humidity. You should refer problems regarding the foils promptly to the General Services Division (CA/EX/GSD). See 7 FAH-1 H-650, Standard Operating Procedures for Safeguarding and Accounting for Controlled Consular Items.

9 FAM 41.113 PN4.1 Defective Lincoln Foils

(CT:VISA-1745; 10-19-2011)

In the event you identify a defective Lincoln foil, and assuming that the visa recipient did not precipitate the problem, you should issue a replacement MRV with no new application fee or interview required. The original expiration date of the defective visa should be displayed on the newly issued MRV, as this is simply a replacement of a defective product. The ACO must maintain accountability for replacement visa foils at end of day Accountable Items (AI) module.

9 FAM 41.113 PN4.2 Destroying Machine Readable Visa (MRV) Foils

(CT:VISA-1933; 10-10-2012)

- a. You should destroy at post spoiled or invalid MRV foils, maintaining proper accountability in the Accountable Items (AI) module of the NIV system. The ACO must supervise personally the destruction of controlled consular items, including NIV foils, and must document that destruction in AI. Another consular officer must certify witnessing the destruction of accountable items in AI. You can find further information about the proper handling of accountable items in Chapter 600 of the Consular Management Handbook (7 FAH-1). You may destroy accountable items through shredding, burning, or whatever means post uses for the destruction of classified material.
- b. If post facilities do not permit proper destruction, you should return foils via classified pouch to the

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Department of State
Consular Supply Facility (CA/EX/GSD/CSF)
SA-21
Washington, DC 20520-2101

You should clearly mark the box(es) "BULK MATERIAL TO BE DESTROYED". Each defective foil should be placed back on its carrier sheet if possible. Foils must not be piled on top of each other on the carrier sheet, because this inhibits the destruction process of the foils.

- c. You should notify CA/EX/GSD in advance by sending an e-mail to Consular Affairs (CA) Consular Supplies advising it of the forthcoming shipment of foils to be destroyed, as well as the serial number for each foil that is being returned. The text of the e-mail should also include the:
 - (1) Pouch registry number(s); and
 - (2) Number of box(es) being shipped.

9 FAM 41.113 PN5 TYPES OF NONIMMIGRANT VISAS (NIV) FEES

(CT:VISA-1745; 10-19-2011)

- a. There are two types of nonimmigrant visa (NIV) fees. The:
 - (1) Application processing fee (also known as the MRV application fee); and
 - (2) Issuance fee (also known as the reciprocity fee).
- b. The application processing fee is not reciprocal and all applicants must pay regardless of the type of passport held, except as noted in 9 FAM 41.26 N1.3, 9 FAM 41.21 PN11, and 9 FAM 41.113 PN5.2. You may not change an additional MRV fee to applicants refused under INA 221(g) who re-apply within one year of that refusal, and those who receive a replacement MRV because of a defective foil.

9 FAM 41.113 PN5.1 Machine Readable Visa (MRV) Application Fee

(CT:VISA-2050; 10-30-2013)

- a. For the current non-refundable application processing fee for an MRV, see 22 CFR 22.1. The method for collecting the fee varies from post to post, and must be paid separately from the visa reciprocity fee. To determine the visa reciprocity fee, if any, see the specific country information on the Visa Reciprocity Schedule posted on CAWeb.
- b. You may charge only one MRV fee for a B1/B2 or C1/D visa. Applicants applying for both a B1/B2 and C1/D visa at the same time are only charged one

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MRV as well. For any other multiple visa combinations requiring two or more MRV foils for one applicant, you must collect two or more MRV fees, as appropriate. The requirement for two fees does not apply to Cuban nationals applying for B-1 and B-2 visas at the same time.

9 FAM 41.113 PN5.2 Exceptions to Machine Readable Visa (MRV) Processing Fee

(CT:VISA-1803; 02-09-2012)

The following categories of visas are exempt from the MRV application-processing fee (see 9 FAM 41.107 N4 for waiver of visa issuance fees):

- (1) "A";
- (2) "G";
- (3) NATO;
- (4) C-3;
- (5) All diplomatic type visas;
- (6) Applicants for "J" visas participating in official U.S. Government-sponsored educational and cultural exchanges;
- (7) Replacement Machine-Readable Visa when the original visa was not properly affixed or needs to be reissued through no fault of the applicant;
- (8) Replacement Machine-Readable Visa to correct errors made by consular staff in the visa data, up to one year from the visa's original date of issuance and only for the remaining validity of the original visa. After one year, the applicant must apply for a new visa, submitting the appropriate fee and application, and scheduling a new interview (if required);
- (9) A parent, sibling, spouse, or child of a U.S. Government employee killed in the line of duty who is traveling to attend the employee's funeral and/or burial; or a parent, sibling, spouse, son, or daughter of a U.S. Government employee critically injured in the line of duty, for visitation during emergency treatment and convalescence;
- (10) U.S. Government employees traveling on official business;
- (11) Applicants exempted by international agreement as determined by the Department, including members and staff of an observer mission to the United Nations Headquarters recognized by the UN General Assembly, and their immediate families; and
- (12) Applicants traveling to provide charitable services as determined by the Department.

9 FAM 41.113 PN6 ANNOTATING VISAS

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(CT:VISA-1745; 10-19-2011)

- a. Annotating visas is a useful tool that can help both the visa holder and immigration inspectors at POE. In many circumstances, the Foreign Affairs Manual (FAM) requires you to annotate visas. Annotations also provide CA and others (through the Consular Consolidated Database (CCD)) with information, both current and historical, and may be the only manner in which certain information is collected in an electronic format. Understanding when to annotate and when not to annotate a visa, and what information should or must be included, is important in making annotations effective.
- b. A visa annotation is a simple and useful method to convey information about a visa applicant and the circumstances under which a visa was issued, explain the circumstances or assumptions on which the visa decision was based, or clarify key factors which were considered at the time of adjudication. The information contained in a visa annotation should help facilitate an immigration inspector's decision on whether or not to admit the visa holder to the United States, and, if to admit, for how long.
- c. Annotations should be concise and should be understandable to persons outside the Department. Abbreviations may be used, but they must be clear and self-evident. You should not use jargon or shorthand. Annotations should always be constructive and informative. You should carefully review annotations to avoid conveying a negative tone.
- d. There are four principal instances when you should annotate visas:
 - (1) For certain classes of visas as required by regulation;
 - (2) For B-1 visas issued for certain employment-like purposes;
 - (3) To indicate clearance of a security advisory opinion (SAO), or waiver, exemption or overcome of ineligibility; and
 - (4) When you have decided to grant either a single-entry or less-than-full validity visa when a longer-term or multiple entry visa is available under visa reciprocity.

9 FAM 41.113 PN6.1 Annotating Visas for Foreign Government Officials

(CT:VISA-1745; 10-19-2011)

You should annotate the visa of a principal applicant to reflect his or her place of employment. For example:

JOHN DOE, EMBASSY OF Z
WASHINGTON, DC

9 FAM 41.113 PN6.2 Annotating Visas for Permanent

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Observer Missions at the United Nations

(CT:VISA-1745; 10-19-2011)

You must annotate visas for principal applicants at Permanent Observer Missions at the United Nations B-1 visas that reflect their places of employment. For example:

JOHN DOE
OBSERVER MISSION TO THE UNITED NATIONS
(NAME OF ORGANIZATION), NEW YORK, NY

9 FAM 41.113 PN6.3 Dependents of Permanent Observer Missions at the United Nations

(CT:VISA-1745; 10-19-2011)

PRINCIPAL APPLICANT: JOHN DOE
UNITED NATIONS OBSERVER MISSION
(NAME OF ORGANIZATION), WASHINGTON, DC

9 FAM 41.113 PN6.4 Persons Who Present a Letter Indicating They Need a Transportation Worker Identification Credential (TWIC)

(CT:VISA-1745; 10-19-2011)

You must annotate the visas of persons who present letters indicating they require Transportation Worker Identification Credentials (TWIC) with "TWIC letter received" to assist the Transportation Security Administration (TSA) to adjudicate TWIC applications. This annotation allows the bearer to apply for a TWIC in the United States, but it does not have any bearing on whether TSA will provide the applicant a TWIC. TSA conducts a full security threat assessment on each individual applicant, adjudicates the results, and makes an informed decision to grant or deny a TWIC based on a comprehensive enrollment. Additionally, once presented with a TWIC, Maritime Transportation Security Act-regulated ports and facilities determine all access. You should scan the TWIC letter into the CCD as part of the case record. (See 9 FAM 41.113 Exhibit I.)

9 FAM 41.113 PN7 ANNOTATING ACADEMIC ("F") AND NONACADEMIC ("M") STUDENT VISAS

9 FAM 41.113 PN7.1 Applicant in Possession of Several Form I-20's, Certificate of Eligibility for Nonimmigrant

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(F-1) Student Status - for Academic and Language Students

(CT:VISA-1745; 10-19-2011)

You must annotate all F visas with the name of the school that the applicant initially intends to attend in the United States. The school's name should be the same as that reflected in the student's Form I-20, Certificate of Eligibility for Nonimmigrant (F-1) Student Status – for Academic and Language Students, and the student's SEVIS ID. You should remember that an annotation identifying a school on an F or M visa does not restrict the visa holder from using that F or M visa to attend a different school subsequent to his or her initial entry into the United States. In this case, the student must have a valid Form I-20 from the new school, and the new school must update his or her SEVIS record to reflect this. On the other hand, if a student changes schools before his or her initial entry, subsequent to visa issuance, you must issue a new visa with the proper school annotation.

9 FAM 41.113 PN7.2 School Not Yet Selected

(CT:VISA-1745; 10-19-2011)

If an applicant is undecided about which school he or she will attend (see 9 FAM 41.61 N9.2), you must issue a B-2 visa with a notation reading:

PROSPECTIVE STUDENT
SCHOOL NOT YET SELECTED

9 FAM 41.113 PN7.3 Admission for School Entrance Examination or Interview

(CT:VISA-1745; 10-19-2011)

If a prospective student is entering the United States for an admission interview or entrance examination (see 9 FAM 41.61 N16.5 b), you must issue a B-2 visa with an annotation reading:

PROSPECTIVE STUDENT
ADMISSION INTERVIEW
or
PROSPECTIVE STUDENT
SCHOOL ENTRANCE EXAMINATION

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9 FAM 41.113 PN7.4 Tourists Engaging in Short Study Course

(CT:VISA-1745; 10-19-2011)

- a. For applicants whose primary purpose of travel is tourism, who, during their visits will incidentally engage in a short course of study, you must annotate the visa to read:

STUDY INCIDENTAL TO VISIT Form I-20,
Certificate of Eligibility for Nonimmigrant (F-1) Student Status for Academic and Language Students NOT REQUIRED

- b. You must limit the number of entries to those required for participation in the specific tour-study program. (See 9 FAM 41.31 N13.6.)

9 FAM 41.113 PN8 ANNOTATING "J" VISAS-EXCHANGE VISITORS

9 FAM 41.113 PN8.1 Inserting Program Number on Visa

(CT:VISA-1745; 10-19-2011)

You must annotate J visas with the name and number of the exchange visitor program in which the visa applicant is participating, and the participant's SEVIS ID. In most cases the validity of J-visa should correspond with the length of the program. A visitor may not use any single J-visa for a program other than that specified on the annotation, even when that J-visa has not yet expired.

9 FAM 41.113 PN8.2 Annotating Visas of Agency for International Development (AID) Grantees

(CT:VISA-1745; 10-19-2011)

On every visa issued under AID Program G-2-0263, including the visas of family members of the principal applicant, you must place the following notation in the annotation field of the MRV:

SPONSORED BY AGENCY FOR INTERNATIONAL DEVELOPMENT (AID),
DEPARTMENT OF STATE

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9 FAM 41.113 PN8.3 Annotation Regarding Foreign Residence Requirement

(CT:VISA-1745; 10-19-2011)

- a. Posts must place the following notation on each "J" visa issued:

BEARER IS SUBJECT TO SECTION 212(e).

TWO YEAR RULE DOES APPLY (Name of country)

OR

BEARER IS NOT SUBJECT TO SECTION 212(e).

TWO YEAR RULE DOES NOT APPLY (Name of country)

- b. After the word "apply," you must annotate the name of the country that would satisfy the two-year residence and physical presence requirement if applicable. The country will in most instances be that which issued the applicant's passport.

9 FAM 41.113 PN9 VISAS REQUIRING PETITIONS

(CT:VISA-2230; 12-03-2014)

- a. For visas which require petitions, posts must enter the following in the petition screen:

- (1) Petitioner's name;
- (2) Approved petition number;
- (3) Visa classification; and
- (4) Expiration date of the petition *in PIMS or PCQS; or I-129S for Blanket L visas.*

- b. The name of the principal applicant should appear in the annotation field on the visa of each family member who is deriving status from the principal. For example:

P.A.: JOHN DOE

PET. NAME: HEALTHY LIFE, INC. PET. NO. LIN9517750446

PET. EXP. DATE: 04 MAY 1996

- c. *For the annotation requirements for Individual L visas please see 9 FAM 41.54 N12.4 and 9 FAM 41.54 N13.6 for Blanket L visas.*

- d. *If you limit the validity of an H, L, O, P, or Q visa to less than the period of validity on the petition or authorized extension of stay, you must also enter the following in the annotation field:*

(PETITION VALID/STAY AUTHORIZED) (as applicable)

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TO: DATE

(See 9 FAM 41.54 N20.2 and 9 FAM 41.55 N13.7.)

9 FAM 41.113 PN10 CONSULAR LOOKOUT AND SUPPORT SYSTEM (CLASS) HITS AND GROUNDS OF INELIGIBILITY OVERCOME

9 FAM 41.113 PN10.1 Overcoming a Ground of Ineligibility

(CT:VISA-1745; 10-19-2011)

- a. When issuing a visa to an applicant who has overcome a refusal or quasi-refusal under an INA 212(a) ground of ineligibility, you must enter the following notation in the annotation field:
CLASS (code for specific ground of refusal) OVERCOME;
Clearance received (date): Reference CCD Notes
- b. You should make the notation even if you have requested a deletion from CLASS or the Department has notified you that it will make a CLASS deletion.
(See 9 FAM Appendix D, Automated Visa Systems.)

9 FAM 41.113 PN10.2 Annotations for Consular Lookout and Support System (CLASS) Hits

(CT:VISA-1745; 10-19-2011)

You may annotate visas for persons whom the Department has cleared of exact matches for a CLASS hits, "NOT SAME AS CLASS ENTRY – see case notes." This annotation is optional and is based on your judgment. You need not specify the CLASS lookout code. You should enter any notes that would help clarify the annotation into the CCD.

9 FAM 41.113 PN11 WAIVER OF GROUND OF EXCLUSION

9 FAM 41.113 PN11.1 Annotation in INA 212(d)(3)(A) Waiver Cases INA 212(d)(3)(A)

(CT:VISA-2115; 05-22-2014)

- a. You must annotate visas to reflect instances in which applicants have had

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grounds of ineligibility either overcome or waived. Your failure to annotate the visa properly can cause extreme hardship for the alien traveler.

- b. When the Department of Homeland Security (DHS) waives a ground of exclusion under INA 212(d)(3)(A), you must enter the notation "212(d)(3)(A)" in the annotation field followed by the number of the paragraph of INA 212(a) that has been waived. You should annotate the duration of stay authorized, the POE (if applicable), and an indication of the purpose of the visit, as follows:

212(D)(3)(A): (6)(C) 4 WEEKS-N.Y., N.Y.
CONFERENCE: HAPPY MOTORING COMPANY

- c. If DHS grants a waiver for multiple entries, a notation of the initial POE is sufficient, if specified in the waiver order. In addition, you must ensure that the visa's period of validity does not exceed that of the waiver.

9 FAM 41.113 PN11.2 Permission Required by Department of Homeland Security (DHS) Washington District Office for Itinerary Changes or Extension of Stay

(CT:VISA-1745; 10-19-2011)

If DHS or the Department notifies you that the Washington District Office must grant permission for any change in itinerary or extension of stay, you must insert the abbreviation "WAS" in the annotation field on the machine readable visa (MRV) regarding the INA 212(d)(3)(A) authorization. For example:

212(3)(A):(9)(6)(C) WAS-4 MONTHS NEW YORK, N.Y.
CONFERENCE HAPPY MOTORING COMPANY

9 FAM 41.113 PN11.3 Number of Entries and/or Period of Validity Authorized by Waiver Exceeds Reciprocity

(CT:VISA-1745; 10-19-2011)

If DHS grants a waiver for more entries or a longer period than the appropriate visa reciprocity schedule specifies, posts must issue the visa only up to full validity, the number of entries and validity period listed in the reciprocity schedule on CAWeb. You may issue subsequent visas in such cases until the waiver period has expired.

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9 FAM 41.113 PN11.4 Alien Previously Deported or Removed

(CT:VISA-1745; 10-19-2011)

If DHS has granted consent to reapply for admission after the exclusion or deportation of an alien, you must insert the following notations in the annotation field:

INA 212(a)(9)(A) or INA 212(a)(9)(B)

as applicable, and

PERMISSION TO REAPPLY FOR ADMISSION GRANTED.

9 FAM 41.113 PN12 PURPOSE AND DURATION OF STAY WHEN VALIDITY IS LIMITED

(CT:VISA-1745; 10-19-2011)

- a. In general, you should issue maximum-validity visas. (See 9 FAM 41.112 N2.2.)
- b. When the validity of a visa is limited, you must annotate the visa indicating the applicant's purpose of travel and period of intended stay in the United States. For example:

VISIT UNCLE IN SAN FRANCISCO - 3 WEEKS

- c. A visa may be annotated in any case when you determine that the applicant is a nonimmigrant only for the purpose of the particular visit for which the visa is issued. You may limit the visa validity in accordance with the guidelines in 9 FAM 41.112 N2.3. Such notations will materially assist DHS inspectors at POEs as well as at the domestic offices of DHS and are encouraged. However, you may not enter negative notations, such as:

"NO ADJUSTMENT OF STATUS or EXTENSION OF STAY RECOMMENDED"

which questions the visa recipient's veracity and/or tend to tell DHS what to do or what not to do in a given case. Under no circumstances should an annotation prohibit activity in the United States which would be permitted under the visa category, or prohibit the alien from seeking an extension or adjustment of status. These questions are appropriately the responsibility of immigration inspectors and the DHS.

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9 FAM 41.113 PN12.1 Peace Corps

(CT:VISA-1622; 01-31-2011)

Posts must insert the designation "PEACE CORPS" in the annotation field of the MRV issued to an applicant who is proceeding to the United States under the Peace Corps Act (75 Statute 612).

9 FAM 41.113 PN12.2 A and G Individuals Coming to the United States for Less than 90 Days

(CT:VISA-1745; 10-19-2011)

The symbol "(TDY)" must be placed in the MRV annotation field of any individual in A or G status coming to the United States for a temporary assignment of less than 90 days. You should annotate the place of his or her employment. For example:

JOHN DOE, CONSULATE GENERAL OF Z
SAN FRANCISCO, CA. (TDY)

9 FAM 41.113 PN12.3 Maintenance of Status and Departure Bond

(CT:VISA-1745; 10-19-2011)

In cases where a maintenance of status and departure bond has been posted, (see 9 FAM 41.11 N8) place the following in the annotation field of the MRV:

INA 221(g) BOND, A-(NUMBER ASSIGNED BY Department of Homeland Security (DHS)
(LOCATION OF Department of Homeland Security (DHS) OFFICE ACCEPTING BOND)

9 FAM 41.113 PN13 INA 222(G) EXEMPTION**9 FAM 41.113 PN13.1 INA 222(g) Annotations**

(CT:VISA-1745; 10-19-2011)

You should annotate nonimmigrant visas (NIVs) issued to aliens exempted from INA 222(g):

"INA Section 222(g) overcome under extraordinary circumstances".

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9 FAM 41.113 PN13.2 Nationals of Certain Countries Restricted to Designated Ports of Entry (POEs)

(CT:VISA-1745; 10-19-2011)

If a visa recipient is restricted to a designated port or ports of entry and/or exit, you should indicate the port(s) in the 88-character field under the "Annotation section" on the MRV. If there is insufficient space to list the number of ports, you should annotate the visa to reflect the page that lists the ports of entry and/or exit. (For port(s) of entry and/or exit, see the listing for the country concerned on the Visa Reciprocity Schedule on CAWeb.)

9 FAM 41.113 PN14 B-1 VISAS FOR EMPLOYEES OF FOREIGN AIRLINES

(CT:VISA-1745; 10-19-2011)

When issuing a B-1 visa to an employee of a foreign airline who is precluded from E-1 classification pursuant to 9 FAM 41.31 N10.2, you must place the following notation in the annotation field of the MRV:

EMPLOYEE OF (Name of Airline)

9 FAM 41.113 PN14.1 B-1 Visas For Domestic Employees

(CT:VISA-1745; 10-19-2011)

When issuing a B-1 visa to a domestic employee of a nonimmigrant alien or of a U.S. citizen pursuant to 9 FAM 41.31 N9.3, you must place the following notation in the annotation field of the MRV:

PERSONAL OR DOMESTIC EMPLOYEE OF NONIMMIGRANT APPLICANT
(EMPLOYER'S NAME)

or

PERSONAL OR DOMESTIC EMPLOYEE OF U.S. CITIZEN
(EMPLOYER'S NAME)

9 FAM 41.113 PN14.2 B-1 Visas for Visiting Ministers Engaged in Evangelical Tour

(CT:VISA-1745; 10-19-2011)

When issuing a B-1 visa to a minister proceeding to the United States to engage in an evangelical tour who does not plan to take an appointment with any one church, and who will be supported by offerings contributed at each evangelical

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meeting pursuant to 9 FAM 41.31 N9.1-1, you must place the following notation in the annotation field of the MRV:

MINISTER OF RELIGION ON EVANGELICAL TOUR

9 FAM 41.113 PN15 ANNOTATING VISAS FOR MEDICAL REASONS

9 FAM 41.113 PN15.1 For All Nonimmigrant Visas (NIV) Except V Visas

(CT:VISA-1745; 10-19-2011)

In the following cases, you should annotate the nonimmigrant visa (NIV) as indicated when the medical examination discloses a:

- (1) Class A tubercular or other condition and a INA 212(d)(3)(A) waiver has been granted;
"MED: Class A: 212(d)(3)(A)"
OR
- (2) Class B tubercular conditions or Class B leprosy, non-infectious, you should annotate the visa:
"MED: Class B"

9 FAM 41.113 PN15.2 For Nonimmigrant V Visas - Tubercular Cases

(CT:VISA-1745; 10-19-2011)

In the following cases, you should annotate the nonimmigrant visa (NIV) as indicated when the medical examination discloses a:

- (1) Class A tubercular or other condition and a INA 212(d)(3)(A) waiver has been granted
"MED: Class A: DD-MM-YY (date of visa issuance)
212(d)(3)(A): (a)(1)(A)(i)
_____ (port of entry)"
- (2) Class B tubercular conditions (but not for any other Class B conditions):
"MED: Class B (TB): DD-MM-YY (date of visa issuance)"

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9 FAM 41.113 PN16 MACHINE READABLE VISA (MRV) SYSTEM FAILURE

9 FAM 41.113 PN16.1 System Failures and Contacting the CA Service Center

(CT:VISA-2086; 04-28-2014)

If the visa systems at post cannot operate because of either hardware or network issues, you will not be able to issue visas until you resolve the problems. In the event of a systems failure, you should contact the CA Service Center immediately at 202-485-7777. The CA Service Center provides 24-hour systems support for hardware and software, seven days a week during posts' operating hours. CA/EX/CSD maintains spare parts and equipment that it can ship anywhere within 48 hours.

9 FAM 41.113 PN16.2 Emergency Travel During Machine Readable Visa (MRV) Breakdown

(CT:VISA-1745; 10-19-2011)

In the event the MRV system is not functioning during an emergency, you may request authorization from the Office of Visa Services (CA/VO) to employ the Visa Waiver Provisions described in 9 FAM 41.3 N3. You should contact the CA/VO Post Operations Division (CA/VO/F/P) or the CA/VO Duty Officer (outside Washington office hours) for immediate assistance.

9 FAM 41.113 PN17 REVIEW OF VISA ISSUANCES

(CT:VISA-1789; 12-16-2011)

- a. Consular supervisors must review as many nonimmigrant visa (NIV) issuances as is practicable, but not fewer than 10% of NIVs issued. Systematic, regular review of approved NIV applications is a significant management and instructional tool to maintain the highest professional standards of adjudication. It also ensures uniform and correct application of applicable law and regulations. This review should be done with a view to enhancing U.S. border security. The designated supervisory officer must review the case and either confirm or disagree with the issuance. (See 9 FAM Appendix G, 101.3, Supervisory Duties, for information regarding supervisory review and VLA violations.)
- b. At small posts, especially when adjudicating officers are relatively inexperienced, reviewing officers should review a larger percentage of cases.

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In addition, at some posts local conditions, including security or fraud concerns, could require that more than 10% must be reviewed. Regardless of the percentage, the reviewing officer must review all non-INA 221(g) overcome cases, all issuances subject to Visas Donkey security advisory opinion (SAO) requests, 20% of Third Country National (TCN) issuances, and a random sample of other issuances. If these cases total more than 10% of the day's issuances, then this larger percentage must be reviewed. The Visa Office encourages posts to use their knowledge of local conditions to identify other subsets of issuances for review as appropriate. For example, some posts may wish to review all TCN issuances or all issuances subject to SAO requests.

- c. Reviewing officers should pay particular attention to issuances of inexperienced officers. The less visa adjudication experience an officer has, the greater the percentage of issuances that you should review. You should review at least 50% of the cases issued by an officer with no previous NIV adjudication experience during his or her first month. As an officer gains experience and competence over time, the percentage of issuances reviewed should decline as determined appropriate by the reviewing officer and ultimately conform to the norm outlined above.
- d. The reviewing officer should be the issuing consular officer's direct supervisor, regardless of whether the reviewing officer has a consular commission and title. In all cases, the reviewing officer must be in the issuing officer's supervisory chain of command. While the reviewing officer may wish to see the complete paper documentation associated with the cases reviewed, he or she must indicate his or her decision in the NIV Adjudication Review report in the Consular Consolidated Database (CCD). The issuances must be reviewed without delay; that is, on the day of the issuance or as soon as is administratively possible.
- e. If the chain of command rule of the previous paragraph results in a reviewing officer who does not have a consular commission and title (some Deputy Chiefs of Mission, for example, may not be authorized to adjudicate visas), that officer must nevertheless review issuances. The review should focus on, but not necessarily be limited to, the visa recipient's likelihood to maintain lawful status in the United States and not engage in activities beyond the scope of the visa category, including his or her potential threat to people and property in the United States. Reviewing officers should be alert to patterns of issuances that appear to fall outside the general norms for a post, such as issuances to TCNs or applicants who appear only marginally eligible, or unexplained overcomes of hard refusals. While reviewing officers without consular experience cannot be expected to know the breadth and depth of visa statutes and regulations, they can add value to the issuance process by applying their knowledge of national security threat assessments, local conditions, and global trends. At posts with a single consular officer, the reviewer, adjudicating officer and Regional Consular Officer (RCO) must make issuances a regular topic of discussion during the RCO's visits.

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- f. If a reviewing officer as described in the above paragraph concurs with the issuance, he or she, like any other reviewing officer, must indicate his or her decision in the NIV Adjudication Review report in the CCD.

9 FAM 41.113 PN17.1 Non-Concurrence With Issuance by Reviewing Officer

(CT:VISA-2086; 04-28-2014)

- a. If a reviewing officer with a consular commission and title does not concur with the issuance, he or she may assume responsibility and re-adjudicate the case. The reviewing officer must discuss the case fully with the original adjudicating officer before taking any action. The reviewing officer must not refuse an applicant under INA 214(b) without re-interviewing the applicant, as subtle information gained during the interview is an essential component of any INA 214(b) decision. If the disagreement involves a procedural error or a matter of law, the reviewing officer may assume personal responsibility for the case and reverse the decision, after discussing it with the original adjudicating officer. If the reviewing officer reverses the issuance and the visa has not yet been printed, the applicant must be notified promptly. If the visa has been issued and printed it must be revoked per 9 FAM 41.122.
- b. A reviewing officer without a consular commission and title may not issue or refuse a visa. Therefore, if such a reviewing officer does not concur with the issuance, printing of the case must be suspended, and the reviewing officer must:
 - (1) Discuss the basis for the original issuance, especially elements of fact, with the adjudicating officer in a good faith attempt to arrive at a mutually acceptable final adjudication of the application.
 - (2) If such a discussion cannot resolve the issue, the RCO, if the post is covered by an RCO, should be consulted for his or her insight with a view to coming to a mutually agreed-upon adjudication. If the discussion cannot occur in a timely fashion, the case should be removed from the print queue and entered as an INA 221(g) refusal pending the outcome of this larger review and discussion.
 - (3) If the difference of opinion is based upon a legal or procedural issue that cannot be resolved by consulting Departmental guidance at post (the INA, FAM, CMH, cable guidance, etc.), post should seek Visa Office guidance (legal questions should be referred to CA/VO/L/A and procedural questions to CA/VO/F/P).
 - (4) If the difference of opinion arises from a potential national security concern, post must submit a SAO request to CA/VO/L/C relating the facts of the case and detailing the reviewing officer's concerns.
 - (5) If, despite these efforts, no mutually agreed-upon adjudication can be

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achieved, the issuance stands. In any case, a note of the discrepancy must be made in the comment field of the Form DS-160, Online Nonimmigrant Visa Application and in the NIV Adjudication Review Report in the Consolidated Consular Database (CCD).

9 FAM 41.113 PN17.2 Reporting Issued Visas as Lost or Stolen

(CT:VISA-2125; 06-09-2014)

- a. Upon learning that a visa or Border Crossing Card (BCC) has been lost or stolen, you must both report this information in the Consular Consolidated Database (CCD) and enter a lookout into CLASS through the Independent Namecheck System (INK). (Note: There is no specific requirement that the lost or stolen visa must be reported in writing; rather, it is left to post to determine, based on local circumstances, what requirements need to be placed on the reporting of lost or stolen visas.)
- b. When a visa foil is reported lost or stolen, the first step is to use INK to report the passport containing the visa as a lost or stolen passport by creating an SL lookout. This will prevent anyone from using the passport with the visa to enter the United States.
- c. When a BCC is reported lost or stolen, the first step is to use INK to create an LASV lookout. When creating an LASV lookout, you must add the following long comment: "Do not refer to secondary unless the traveler is in possession of lost/stolen BCC [include BCC foil number here, e.g., GDL00364880]." The INK lookout will allow consular officers to see the hit in CLASS and will also permit CBP to see the information at primary inspection at the port of entry.
- d. A reported lost or stolen foil visa must also be entered in the "Lost or Stolen Visa Report" in the CCD under Cross Applications. When searching for an applicant, the report will display information from both NIV and IVO in the Visa Applicants section and will allow you to select the appropriate case associated with the missing foil visa or BCC. To report the visa as lost or stolen, click on the link labeled "Lost/Stolen." The "Lost or Stolen Visa Report" will automatically take the information from the original CCD case, eliminating the need for further data entry. Once you have reported a visa lost or stolen, the case will be listed in the report under the "Foils Reported Lost or Stolen" section. All NIV or IV/DV users at post can add new records. NIV managers and selected others will also have the ability to edit or delete a record.
- e. If the applicant recovers the original foil or BCC after the issuance of a new visa, you should cancel the original foil or handle the BCC in accordance with procedures in 9 FAM 41.32 PN4. If, however, the visa holder recovers the visa that had been reported as lost or stolen and no new visa has yet been issued, you must use the "Lost or Stolen Visa Report" to change the status in the CCD to "RECOVERED" and submit a CLOK deletion request for the CLASS lookout

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that was created in INK. (See Note under the first paragraph of letter (a) above as to how the public should report information about lost or stolen visas.) You must also send an email to the CA Service Desk requesting that the case be reset in NIV to "issued" status, which will automatically send the "issued" status to DHS.

- f. If a visa is entered in the "Lost or Stolen Visa Report" as lost or stolen, the visa is cancelled within the system and cannot be used for travel. If the visa is subsequently entered in the "Lost or Stolen Visa Report" as "RECOVERED," the system removes the cancelled status, and the visa is once again valid. You must also send an email to the CA Service Desk requesting that the case be reset in NIV to "issued" status, which will automatically send the "issued" status to DHS. If a person reports a passport to Interpol as lost or stolen, that does not in itself cause the visa to be cancelled; rather, the visa remains valid.
- g. When you report a foil as "RECOVERED," inform the applicant that the visa is valid for travel, but if the applicant had reported the passport as lost or stolen to the issuing authority, the applicant must confer with the issuing authority to determine whether the recovered passport is considered valid for travel. Also inform the applicant that if the passport issuing authority has reported the passport to Interpol as a lost or stolen passport, the applicant should ask the passport issuing authority to inform Interpol that the passport has been recovered. If a passport has been reported to Interpol as lost or stolen, that does not in itself cause the visa to be cancelled; rather, the visa remains valid.
- h. If a lost or stolen visa report is entered in error, you must delete the erroneous report as soon as possible. You must also send an email to the CA Service Desk requesting that the case be reset in NIV to "issued" status, which will automatically send the "issued" status to DHS.
- i. You cannot use the "Lost or Stolen Visa Report" to report missing blank foils. Rather, report missing blank foils to the RSO and via cable slugged for CA/EX/PAS and CA/FPP, specifying the missing foil numbers. Finally, change the "status" of the foils to "missing" in Accountable Items.